

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Mathews et al.

Filing Date: Herewith

Attorney File No.: 14846-29

Entitled: SYSTEMS AND METHODS FOR TRADING
FINANCIAL INSTRUMENTS ACROSS DIFFERENT
TYPES OF TRADING PLATFORMS

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102

SIR:

It is requested that the above-captioned patent application, filed herewith, be granted Special status for accelerated examination. As set forth in MPEP § 708.02(VIII), such a petition requires: (1) that all claims be directed to a single invention; (2) a pre-examination search; (3) copies of the references identified in the search deemed most closely related to the claimed subject matter; (4) a detailed discussion pointing out with particularity how the claimed subject matter is patentable over the references; and (5) the fee set forth in 37 C.F.R. 1.17(h). As set forth in more detail below, Applicants have complied with each of these requirements and granting of this Petition is respectfully requested.

I. APPLICANT'S CLAIMED INVENTION

Applicants' claimed invention is directed to systems and methods for trading financial instruments across different types of trading platforms. The invention links a plurality of trading platforms, at least two of the trading platforms employing different protocols for exchanging trading information. An interface allows the trading platforms to share information regardless of protocol differences. An offering posted in one of the trading platforms can be simultaneously offered in all trading platforms, and a particular quantity of the offering can be purchased in any of the trading platforms.

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The current application comprises three independent claims. Independent claim 1 is directed to a system for offering a financial instrument across trading platforms. Independent claim 11 is directed to a method for offering a financial instrument across trading platforms. Independent claim 17 is directed to a computer-readable medium for storing instructions for carrying out the method steps of claim 11.

Should the Examiner determine that the claims are not directed to a single invention, Applicants will make an election without traverse according to established telephone-restriction practice. MPEP 708.02(VIII).

II. PRE-EXAMINATION SEARCH

A pre-examination search was performed by the professional search firm of Woolcott LLC (“Woolcott”) to locate the U.S. Patents and U.S. Patent Publications relevant to the inventive concept (the “Search”). Woolcott is located at 2001 Jefferson Davis Highway, Suite 411, Arlington, Virginia 22202, Tel: 800.223.9697, and has a web page address of <http://www.woolcott.com/index.html>.

Copies of Woolcott’s Search Report and the identified references are attached. As can be seen from the Search Report, the following classes and subclasses were searched.

| Class | Subclasses |
|-------|-------------------------|
| 705 | 10, 35, 36, 37, 39 |
| 709 | 313, 315, 316, 317, 329 |
| 707 | 10, 104.1 |
| 717 | 107 |

Woolcott pointed out four references deemed most closely related to the claimed subject matter:

- (1) U.S. Patent 5,864,827 (issued Jan. 26, 1999) to Wilson;
 - (2) U.S. Patent 6,278,982 (issued Aug. 21, 2001) to Korhammer et al. (“Korhammer”);
- and
- (3) U.S. Patent 6,285,989 (issued Sep. 4, 2001) to Shoham (collectively referred to herein as the “Relevant References”). Each of the Relevant References is discussed in detail below.

Nothing in this Petition should be construed as an admission that any reference identified in the Search or discussed herein is available as prior art to the above-captioned application.

III. DETAILED DISCUSSION OF PATENTABILITY

The claimed subject matter of the above-captioned patent application is patentable over the Relevant References. Applicants provide detailed discussion in this Section that points out with particularity how the claimed subject matter is patentable over the Relevant References.

A. U.S. PATENT 5,864,827 (ISSUED JAN. 26, 1999) TO WILSON

The subject matter of the above-captioned patent application is patentable over Wilson. Among other deficiencies, Wilson does not disclose a plurality of trading platforms, at least two of the trading platforms using different protocol, and an interface for linking the trading platforms to allow an offering posted in one of the trading platforms to be simultaneously offered in all of the trading platforms particular quantity of the offering to be purchased in any of the trading platforms.

Wilson discloses a system and method for providing a gateway for the transfer of information between one or more customer system(s) which all utilize a common protocol and one or more financial market (exchange) system(s) which each utilize the same and/or different protocols that differ from the common protocol used by the customer system(s).

Since Wilson does not teach or suggest Applicants' claimed invention, Applicants' invention as claimed is patentable over Wilson.

B. U.S. PATENT 6,278,982 (ISSUED AUG. 21, 2001) TO KORHAMMER ET AL.

The subject matter of the above-captioned patent application is patentable over Korhammer. Among other deficiencies, Korhammer does not disclose a plurality of trading platforms, at least two of the trading platforms using different protocol, and an interface for linking the trading platforms to allow an offering posted in one of the trading platforms to be simultaneously offered in all of the trading platforms particular quantity of the offering to be purchased in any of the trading platforms.

Korhammer discloses a system for integrating, organizing and displaying securities market information from several ECNs and electronic exchanges in real time. The invention provides a means to translate the computer protocol of each ECN and electronic exchange to a common protocol. A screen is provided in real time for displaying the individual bids and offers from each member of the participating ECNs and market makers of the electronic exchanges organized by security and by offer or by bid. The order information is then sorted first by price,

and then by time of placement, volume, or other attributes. Aggregated bid and offer information is filtered through specification of configuration parameters such as a minimum order size and minimum price granularity.

Since Korhammer does not teach or suggest Applicants' claimed invention, Applicants' invention as claimed is patentable over Korhammer.

C. U.S. PATENT 6,285,989 (ISSUED SEP. 4, 2001) TO SHOHAM

The subject matter of the above-captioned patent application is patentable over Shoham. Among other deficiencies, Shoham does not disclose a plurality of trading platforms, at least two of the trading platforms using different protocol, and an interface for linking the trading platforms to allow an offering posted in one of the trading platforms to be simultaneously offered in all of the trading platforms particular quantity of the offering to be purchased in any of the trading platforms.

Shoham discloses a method and apparatus for designing and deploying an interactive, real-time, universal on-line trading market system serving traders communicating via the Internet. The invention is a method and apparatus that can be used to build any type of online auction using building blocks of its software technology. It includes a generic toolkit that can be used to build auction solutions ranging from simple to very complex and sophisticated auctions. The invention includes a universal auction specification system including a network accessible set of trading primitives and a script generator for combining the set of primitives into a temporal protocol script representing a particular auction specification. The system also includes a script interpreter for interpreting a temporal protocol script representing a particular auction specification, the script including references to at least a portion of the set of trading primitives.

Since Shoham does not teach or suggest Applicants' claimed invention, Applicants' invention as claimed is patentable over Shoham.

Accordingly, because the Relevant References fail to teach or suggest one or more feature recited in the claimed subject matter, these references, either alone or in combination, would not have anticipated or rendered obvious the claimed subject matter.

IV. CONCLUSION

In view of the foregoing, Applicants' have met all the requirements for accelerated examination set forth in 37 C.F.R. § 1.102 and as detailed in MPEP § 708.02(VIII). Accordingly, Applicants respectfully request this case be made special for expedited examination. Please charge the required fee set forth in 37 C.F.R. § 1.17(h), estimated to be \$ 130.00, to Deposit Account No. 501358.

Respectfully submitted,



George D. Morgan
Reg. No. 46,505
Attorney for Applicant

December 4, 2003

LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068
Tel.: 973-597-6162

August 29, 2003

George D. Morgan, Esquire
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, New Jersey 07068-1791

**Re: Novelty Search on "Systems and Methods For Trading Financial
Instruments Across Trading Platforms"**

Your Ref: 14846-29

Our Ref: SANDLER-20051

Dear Mr. Morgan:

Further to your instructions of August 12, 2003, a novelty search has been conducted on the above-identified subject matter.

Objective:

The objective of the search is to locate references disclosing systems and methods for trading financial instruments across at least two platforms employing different protocols to communicate trading information. An offering posted in one of the trading platforms can be simultaneously offered in other trading platform and a particular quantity of the offering can be purchased in any of the trading platforms.

Results of the Search:

Your attention is particularly directed to the following:

US Patent 5,864,827 issued to Wilson on Jan. 26, 1999, discloses a system and method for providing a gateway for the transfer of information between one or more customer system(s) which all utilize a common protocol and one or more financial market (exchange) system(s) which each utilize the same and/or different protocols that differ from the common protocol used by the customer system(s). See column 2, lines 45 - 55.

US Patent 6,278,982 issued to Korhammer et al. on Aug. 21, 2001, discloses a system for integrating, organizing and displaying securities market information from several ECNs and electronic exchanges in real time. It is another object of the present

invention to provide a means to translate the computer protocol of each ECN and electronic exchanges to a common protocol. It is also an object of the present invention to provide on screen a real time display of the individual bids and offers from each member of the participating ECNs and market makers of the electronic exchanges organized by security and by offer or by bid. The order information is then sorted first by price, and then by time of placement, volume, or other attributes. It is further an object of the present invention to allow the aggregated bid and offer information to be filtered through specification of configuration parameters such as minimum order size and minimum price granularity. See column 3, lines 34 - 52.

US Patent 6,285,989 issued to Shoham on Sep. 4, 2001, discloses a method and apparatus for designing and deploying an interactive, real-time, universal on-line trading market system serving traders communicating via the Internet. The present invention is a method and apparatus that can be used to build any type of online auction using building blocks of its software technology. It includes a generic toolkit that can be used to build auction solutions ranging from simple to very complex and sophisticated auctions. The invention includes a universal auction specification system including a network accessible set of trading primitives and a script generator for combining the set of primitives into a temporal protocol script representing a particular auction specification. The system also includes a script interpreter for interpreting a temporal protocol script representing a particular auction specification, the script including references to at least a portion of the set of trading primitives. See column 4, lines 35 - 55.

The following references were selected as being of additional interest:

| <u>Patent Number</u> | <u>Inventor</u> | <u>Date Issued</u> |
|----------------------|-----------------|--------------------|
| 6,304,858 | Mosler et al. | 10/16/2001 |
| 6,105,005 | Fuhrer | 08/15/2000 |
| 6,601,044 | Wallman | 07/29/2003 |
| 6,401,080 | Bigus et al. | 06/04/2002 |
| 6,332,163 | Bowman-Amuah | 12/18/2001 |
| 6,236,977 | Verba et al. | 05/22/2001 |
| 6,236,972 | Shkedy | 05/22/2001 |
| 6,233,566 | Levine et al. | 05/15/2001 |
| 5,257,369 | Skeen et al. | 10/26/1993 |
| 5,297,032 | Trojan et al. | 03/22/1994 |
| 5,557,798 | Skeen et al. | 09/17/1996 |
| 5,710,889 | Clark et al. | 01/20/1998 |

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|-----------|-----------------|------------|
| 5,890,140 | Clark et al. | 03/30/1999 |
| 5,946,667 | Tull Jr. et al. | 08/31/1999 |
| 5,966,531 | Skeen et al. | 10/12/1999 |
| 6,029,146 | Hawkins et al. | 02/22/2000 |
| 6,029,147 | Horadan et al. | 02/22/2000 |
| 6,058,378 | Clark et al. | 05/02/2000 |
| 6,226,623 | Schein et al. | 05/01/2001 |
| 6,233,566 | Levine et al. | 05/15/2001 |

| <u>Patent Application</u> | <u>Inventor</u> | <u>Publish Date</u> |
|---------------------------|-----------------|---------------------|
| 20020002530 | May | 01/03/2002 |
| 20020004777 | Foster et al. | 01/10/2002 |
| 20020007335 | Millard et al. | 01/17/2002 |
| 20020013753 | Marks et al. | 01/31/2002 |
| 20030149653 | Penny et al. | 08/07/2003 |
| 20030126068 | Hauk et al. | 07/03/2003 |
| 20030126063 | Reuter et al. | 07/03/2003 |
| 20030115122 | Slater et al. | 06/19/2003 |
| 20030009411 | Ram et al. | 01/09/2003 |
| 20020194097 | Reitz | 12/19/2002 |
| 20020069157 | Jordan | 06/06/2002 |

Literature

"Softwerco releases patent-pending "URL Generator" for distribution of Web based content, applications",
<http://www.portalsmag.com/articles/default.asp?ArticleID=4191>

"Electronic Trading Tools",
http://www.ghco.com/customer_services/trading_platforms.asp

The field of search was directed to the following areas:

| <u>Class</u> | <u>Subclass/es</u> |
|--------------|-------------------------|
| 705 | 10, 35, 36, 37, 39 |
| 709 | 313, 315, 316, 317, 329 |

George D. Morgan, Esq.
August 29, 2003
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10, 104.1

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Examiner Vincent Millin in art unit 3624 was consulted regarding the areas of search in class 705. Examiner Sue Lao in art unit 2126 was consulted regarding the areas of search in class 709.

One copy of each reference is being provided, and your disclosure returned.

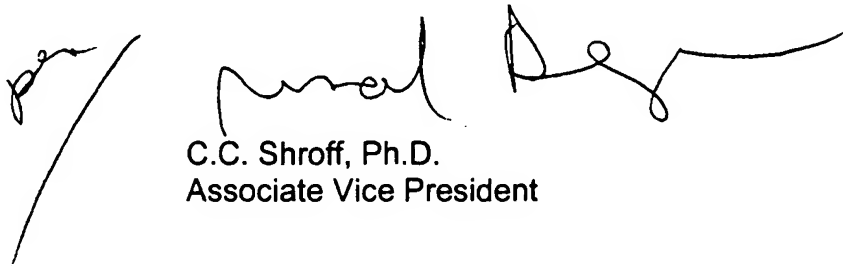
If we may be of further service in this or any other matter, please advise.

Thank you for giving us the opportunity to be of service to you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Israel Agranov', with a long horizontal flourish extending to the right.

Israel Agranov, Ph.D.
Senior Vice President

A handwritten signature in black ink, appearing to read 'C.C. Shroff', with a long horizontal flourish extending to the right. To the left of the signature is a large, stylized handwritten mark that looks like a '7' or 'per'.

C.C. Shroff, Ph.D.
Associate Vice President

IA/CCS/RR/gg

Enclosures